



PERIODIC REVIEW

**William C. Smith Property,
aka Fountain Plaza,
Solara Urban Oasis Apartments (current)
Facility Site ID#: 49891427**

**12730 Lake City Way NE (former address),
Seattle, Washington**

Northwest Region Office

TOXICS CLEANUP PROGRAM

April 2010

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1.0 INTRODUCTION

This document is a review by the Washington State Department of Ecology (Ecology) of post-cleanup Site conditions and monitoring data to ensure that human health and the environment are being protected at the William C. Smith Property (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA) regulations, Chapter 173-340 Washington Administrative Code (WAC).

Cleanup activities at this Site were completed under the Voluntary Cleanup Program (VCP). The cleanup actions resulted in concentrations of petroleum hydrocarbons remaining at the Site which exceed MTCA cleanup levels. The MTCA cleanup levels for soil are established under WAC 173-340-740. The MTCA cleanup levels for groundwater are established under WAC 173-340-720. WAC 173-340-420 (2) requires that Ecology conduct a periodic review of a Site every five years under the following conditions:

- (a) Whenever the department conducts a cleanup action
- (b) Whenever the department approves a cleanup action under an order, agreed order or consent decree
- (c) Or, as resources permit, whenever the department issues a no further action opinion;
- (d) and one of the following conditions exists:
 - 1. Institutional controls or financial assurance are required as part of the cleanup
 - 2. Where the cleanup level is based on a practical quantitation limit
 - 3. Where, in the department's judgment, modifications to the default equations or assumptions using Site specific information would significantly increase the concentration of hazardous substances remaining at the Site after cleanup or the uncertainty in the ecological evaluation or the reliability of the cleanup action is such that additional review is necessary to assure long-term protection of human health and the environment.

When evaluating whether human health and the environment are being protected, the factors the department shall consider include [WAC 173-340-420(4)]:

- (a) The effectiveness of ongoing or completed cleanup actions, including the effectiveness of engineered controls and institutional controls in limiting exposure to hazardous substances remaining at the Site;
- (b) New scientific information for individual hazardous substances or mixtures present at the Site;
- (c) New applicable state and federal laws for hazardous substances present at the Site;
- (d) Current and projected Site use;
- (e) Availability and practicability of higher preference technologies; and
- (f) The availability of improved analytical techniques to evaluate compliance with cleanup levels.

The Department shall publish a notice of all periodic reviews in the Site Register and provide an opportunity for public comment.

2.0 SUMMARY OF SITE CONDITIONS

2.1 Site Description and History

The Site was listed by Ecology under the name William C. Smith, 12730 Lake City Way NE on the Leaking Underground Storage Tank (LUST) list, and Lake City Mobile Home Park/Grout Residence, 12715 33rd Avenue NE on the Confirmed and Suspected Contaminated Sites List (CSCSL). The property is in a commercial district of the Lake City area of Seattle. Simpson Housing requested SECOR International Incorporated (SECOR) to review prior environmental reports prepared for a third party to evaluate the environmental conditions on the property. Their report documents the removal and closure of four leaking underground storage tank (USTs) and the independent remedial action conducted on the property by SECOR for Simpson Housing Limited Partnership (Simpson Housing). SECOR's services included the UST Site Assessment at closure, and oversight of the independent remedial action conducted in association with the removal of the four leaking USTs and in three areas in other portions of the property referred to as the Fountain Plaza commercial/residential re-development located at 12730 Lake City Way Northeast and 12715 33rd Avenue Northeast, Seattle, Washington. The development is now referred to as Solara Urban Oasis at 12736 Lake City Way NE, and first floor businesses with various addresses on Lake City Way. The original 12730 address apparently doesn't exist.

The property is located on the east side of Lake City Way Northeast, approximately 800 feet north of the intersection of Lake City Way and Northeast 125th Street in Seattle, Washington. Circa June 2000, construction activities were initiated to re-develop the property for commercial/retail use at grade with Lake City Way NE, with the upper levels being developed for residential housing and commercial businesses (first floor), and below grade levels for parking. The new on-Site structures nearly cover the entire footprint of the parcel of land. Soil excavation activities in advance of the construction of the existing commercial/residential structure occurred throughout the majority of the property. The excavation extended to about 10 feet below the groundwater table in the southwest portion of the property (about 35 to 40 feet below ground surface of Lake City Way NE), the area surrounding the location of the four former on-Site USTs, and in the northeast portion of the property where the potential for a historical release of heating oil was reported. The extended depths of excavation in the northeast and southwest quadrants of the property were conducted to accommodate below grade parking

The United States Geological Survey (USGS) 7.5 minute topographic map for the Seattle North, Washington quadrangle, dated 1983 was reviewed by SECOR. The map shows the property to be at an elevation of approximately 60 feet above mean sea level (MSL). The topography in the vicinity of the property includes a gentle slope to the southeast, and several small hills north of the property. A partially culverted tributary to Thornton Creek resides beneath the property and daylights to the southeast of the property. This tributary was noted to flow in a southeasterly manner. The former topography of the property prior to circa June 2001 re-development activities, consisted of the western portion being roughly at grade with Lake City Way NE (the area where the former USTs resided) and the eastern portion being roughly at or slightly below the grade of 33rd Avenue NE (the area where the former mobile home park resided). The eastern

and western portions of the property were separated by a mixed rocker)' and concrete retaining wall. The property exhibited a general slope downward toward the east southeast on the western portion and toward the west southwest on the eastern portion, toward the on-Site tributary to Thornton Creek that is culverted beneath the property land surface.

The Puget Sound Region is underlain by Quaternary sediments deposited by a number of glacial episodes. Deposition occurred during a number of glacial advances and retreats which created the existing subsurface conditions. The regional sediments consist primarily of interlayered and/or sequential deposits of alluvial clays, silts, and sands that are typically situated over deposits of glacial till. Outwash sediments consisting of sand, silt and clay were deposited by rivers, streams, and postglacial lakes during the glacial retreats. With the exception of the most recent recessional deposits, the outwash sediments have been over-consolidated by the overriding ice sheets. The geologic stratum mapped in the property vicinity is classified as Vashon Till. This formation typically consists of a compact concrete-like mixture of silt sand, gravel, and clay. This formation can occur at depths up to 150 feet thick, but generally less than 50 feet thick. The upper 2 to 5 feet generally consists of loose silty sand and gravel. Documented laboratory testing has shown that the permeability of glacial till ranges from 10^{-5} to 10^{-7} centimeters per second. Over consolidated clays have a similar range, but sands and gravels have higher permeability.

The soils at the property observed during the excavation activities consisted of brown, coarse-grained sand with gravel (fill) that varied in thickness across the property to depths of approximately 15 feet bgs. The fill was underlain at the property by brownish gray, very dense, gravelly, silty, fine to medium grained sand (glacial till).

The principal aquifers in the Puget Sound Region are in glacial drift that, along with finer grained interglacial sediments, underlies the basin lowland to depths of more than 1,000 feet, and in alluvial deposits that underlie the major lowland and mountain river valleys.

Shallow groundwater flow direction in the Puget Sound region, often mimics the surface topography. Groundwater typically flows from areas of high elevation to areas of low elevation. In addition, shallow groundwater flow usually parallels or migrates toward nearby surface water bodies. However, surface features such as streets, utility trenches, and paved areas can locally alter the flow direction of shallow groundwater.

The depth to near surface groundwater is approximately 25 feet below ground surface (bgs) of Lake City Way NE and the inferred groundwater flow direction is to the southeast. In areas where excavation activities extended below the groundwater table, groundwater was observed within the glacial till to be very turbid and having a slow recharge rate.

2.2 Site Investigations and Sample Results

SECOR conducted a review of previous environmental studies in April 2000. The environmental reports reviewed consisted of those previously prepared by GeoTech Consultants, Inc. (GeoTech) at the request of The Fortune Group. The scope of work and findings of the

environmental study review are presented in the document titled *Final Report, Review of Previous Environmental Studies, and Preliminary Remedial Cost Estimate*, dated April 13, 2000, prepared by SECOR. SECOR's review of the previous reports indicated the western portion of the property had been used as a gasoline service station and home heating fuel distribution facility from 1928 until the early 1960s. The eastern portion of the property had been used as a mobile home park through approximately the spring of 2000. The previous reports identified four USTs that were located on the western portion of the property, beneath the parking lot south of the former on-Site building addressed as 12730 Lake City Way Northeast. As many as six additional petroleum hydrocarbon USTs were discussed that may have been in historical use at the property. However, based on the findings presented in this report, no evidence of the additional six USTs was identified.

The scope of the previous subsurface investigation conducted circa August and December 1997 indicated that a total of 14 borings (B-1 through B-8, and B-13 through B-18) and one groundwater monitoring well (MW-1) were completed on the property. MW-1 was installed approximately 50 feet southeast of the four USTs formerly residing on the property and at an assumed hydraulically down gradient location. This monitor well was subsequently decommissioned by removal during the Site re-development activities. Borings B-1 through B-7 were completed between Lake City Way Northeast and west of the former on-Site retaining wall. The remaining seven borings (B-8 and B-13 through B-18) were advanced east of the former on-Site retaining wall, on the asphalt surface and between former on-Site mobile homes #13 and #29. The analytical results indicated subsurface soil and groundwater impacts from total petroleum hydrocarbons (TPH) and associated constituents. Gasoline and diesel range TPH, and benzene, toluene, ethylbenzene, and total xylenes (BTEX) were detected at concentrations greater than the Ecology MTCA Method A soil cleanup levels at depths ranging between 7.5 feet below ground surface (bgs) to 21.5 feet bgs in 10 of the 14 borings completed on the property. In general, contaminant distribution and concentration was highest in borings B-2, B-3, B-4, and B-6, located west of the rock wall and near the location of the former four USTs and the associated former southernmost pump island. No detections occurred in borings B-1 and B-7, while boring B-5, advanced south of the northernmost pump island, exhibited petroleum impacts to soil below the MTCA Method A cleanup levels. As groundwater in these borings was detected below the impacted soil sample depths, impact to soil at these locations appears to be derived from releases of petroleum hydrocarbons to unsaturated zone soil in this area. Of the borings completed in the trailer park east of the rock wall, soil samples collected from borings B-14 and B-17 exhibited petroleum hydrocarbon concentrations in soil above the MTCA Method A cleanup levels. However, these samples were collected from the interval corresponding to either the depth to groundwater or the capillary fringe zone, the detected impacts are likely the result of contact with impacted groundwater and do not appear to be derived from an unsaturated zone source. With respect to groundwater quality, benzene was identified at a concentration of 56 parts per billion (ppb), compared to the MTCA Method A cleanup level of 5 ppb. Benzene was the only petroleum hydrocarbon constituent detected in the groundwater above the MTCA Method A groundwater cleanup level. Other petroleum hydrocarbon constituents detected in MW-1 included gasoline and diesel range TPH, toluene, and xylenes, all at concentrations below MTCA Method A cleanup levels.

2.3 Cleanup Actions

No further remedial actions were conducted prior to Simpson Housing taking ownership of the property. Subsequent to Simpson Housing's purchase of the property, re-development activities were initiated and SECOR was engaged to assist Simpson housing in the removal and closure of the four former on-Site USTs. The initial re-development activities were initiated on or about June 5, 2000. The initial development work conducted by Simpson Housing included demolition of existing surface structures and grading activities.

One 12,000 gallon UST, one 2,000 gallon UST, and two 5,000 gallon USTs were decommissioned and removed from the property on June 28, 2000. SECOR was unable to determine what types of petroleum hydrocarbons were historically stored within each specific UST. However, historical Site activities and UST registration forms maintained at Ecology indicate that the petroleum products stored on-Site consisted of heating oil and gasoline. UST removal and disposal services were provided by AAA Tank Service Company, Inc. Mr. Chris Robinson of SECOR conducted the environmental Site Assessment at closure in accordance with WAC 173-360-390. Petroleum impacted soil was transported and disposed off-Site by Rabanco.

Evidence of a historical release of petroleum hydrocarbons to the soil was evident upon removal of the USTs. Based on the proposed re-development plans for the property, which consisted of excavating the southwest portion of the property to an elevation of about 10 feet below the groundwater table where the former USTs resided, it was concluded that remedial activities consisting of excavation and off-Site disposal of petroleum impacted soil would be conducted concurrent with these re-development activities. In addition to the confirmed release of petroleum hydrocarbons in the vicinity of the four former USTs, previous environmental reports referenced a historical release of an unknown quantity of heating oil may have occurred in the northeast portion of the property, near mobile home lot #3. This area of the property formerly operated with the street address of 12715 33rd Avenue NE. Based on these reported conditions, SECOR installed 60 test pits in areas where Site re-development "deep" excavation activities were to occur. These test pits were used to evaluate the extent of petroleum impacted media in the vicinity of the four former USTs, evaluate subsurface conditions in the vicinity of the reported heating oil release, and characterize soil conditions prior to excavation and off-Site disposal.

Soil excavation activities conducted in the vicinity of the former USTs was conducted between June 28, 2000 to October 5, 2000. SECOR personnel were present during excavation activities. The excavation in the vicinity of the former USTs was accomplished to an elevation of about 35 to 40 feet below the grade of Lake City Way NE (bgs LCW), which is about 10 feet below the apparent groundwater table. Soils were screened using visual, olfactory, photoionization detector (PID), and oil sheen testing. Apparent petroleum impacted soil was segregated from apparent "clean" soil and stockpiled on the property. Stockpiled soil was sampled and analyzed for petroleum hydrocarbon constituents and managed off-Site in accordance with the analytical results. A total of approximately 19,000 cubic yards of petroleum impacted soil was excavated from the vicinity of the former USTs, extending to about 25 feet bgs LCW. Laterally, the limits

of excavation of petroleum impacted soil extended about 30 feet to the west, 20 feet to the north, 80 feet to the east, and 60 feet to the south. Excavation of apparent impacted soil to the west and northwest was impaired by the presence of the Lake City Way NE right-of-way. SECOR did not continue to excavate impacted soil to the west and northwest since adverse impacts to the public right-of-way would occur. SECOR did not continue to excavate the limited quantity of soil impacted by oil and heavier TPH compounds to the north due to construction constraints. Groundwater encountered during subsequent piling installation at locations along Lake City Way NE indicated that the groundwater table was present at depths of approximately 25 feet bgs LCW. To manage groundwater levels during excavation below the groundwater table, a groundwater dewatering well was installed in the northeast portion of the UST excavation zone, adjacent to and cross-gradient of the former location of the four USTs. Due to potential adverse impacts to the groundwater from historical on-Site petroleum hydrocarbon releases, SECOR recommended that Simpson Housing obtain a construction/dewatering permit for the temporary discharge of dewatering effluent to the sanitary sewer system maintained by the City of Seattle Public Utility (SPU). The groundwater dewatering well proved effective, as the excavation was muddy but free of standing areas of water down to the final grade of the construction project at between 35 and 40 feet bgs LCW in the immediate vicinity of the former USTs.

Confirmatory soil samples were collected from the limits of the UST excavation and submitted to an analytical laboratory for analysis by Ecology-Methods NWTPH-G/BTEX and NWTPH-Dx. The bottom of the UST systems extended to a maximum depth of approximately 10 feet bgs LCW. A confirmation groundwater sample was also collected from the on-Site groundwater dewatering well for assessment of groundwater quality.

SECOR collected thirty-nine soil confirmation samples from the final limits of the UST excavation on July 7, July 11, and August 29, 2000. SECOR collected soil samples from beneath each tank on August 29, 2000, and from the west wall of the excavation on July 7 and 11, 2000 for laboratory analysis. Soil samples were also collected from piling tie-backs that were located at the north, northwest and western limits of the final excavation. Several soil samples were collected from sixty separate test pits located throughout the property. The test pits sampled to document the closure of the four USTs and subsequent petroleum impacted soil excavation activities were Test Pits 43, 50, 51, 55, 58, 59, and 60. These test pits were located immediately east (cross and down gradient) of the final limits of the excavation conducted in the area of the former USTs. Therefore, the test pit sample results also serve as confirmation samples for the east wall of the former UST excavation area. Confirmation soil samples from the north and west UST excavation zone side walls were collected from piling tie-back locations. Field screening of soil south of the four former USTs, combined with the analysis of stockpiled soils excavated from this area indicated that all impacted soil above MTCA Method A cleanup levels had been removed from the area south of the former USTs and the remaining soils were not impacted.

Petroleum impacted soil above MTCA Method A cleanup levels extended to about 25 feet bgs LCW prior to excavation and removal. The confirmatory soil samples from beneath the former UST locations (soil sample ID's T1-2, T2-2, T3-2, and T4-2) were collected at a depth of approximately 30 feet bgs LCW. The samples were collected approximately two feet below the base of the excavation to ensure obtaining an undisturbed soil sample.

A total of 60 test pits were excavated on the eastern half and the south-central portion of the property prior to Site excavation activities in those areas. Where petroleum hydrocarbons were identified above MTCA Method A Soil Cleanup Levels, the respective test pits were over excavated to the approximate limits of the abutting test pit where petroleum hydrocarbon concentrations were found to be below MTCA Method A Soil Cleanup Levels. No petroleum impacted soil exceeding MTCA Method A Soil Cleanup Levels remain on the property at these three locations.

The analysis of the groundwater sample collected from the dewatering well did not identify any petroleum hydrocarbon constituents above the analytical method detection limits, e.g., non-detect for TPH-Gasoline, TPH-Diesel, TPH-Heavy Oil, benzene, and ethylbenzene, with the exception of toluene and xylene. Toluene was identified at 1.9 ppb and xylene was identified at 1.6 ppb, compared to MTCA Method A Groundwater Cleanup Levels of 40.0 ppb and 20.0 ppb, respectively.

Three areas outside of the UST excavation zone were impacted by petroleum hydrocarbons. These areas were discontinuous from the UST excavation zone so it is assumed that the source of contamination was unrelated to the leaking USTs. Diesel- and heavy oil-range petroleum hydrocarbons were detected in the vicinity of Test Pit TP-3, TP-6/TP-21, and TP-53/TP-54/TP-57. Petroleum hydrocarbon impacted soil in each of these three areas was excavated to the approximate limits of the abutting test pit where petroleum hydrocarbon concentrations were found to be below MTCA Method A Soil Cleanup Levels.

Excavated soils were field screened during sampling and excavation activities using a photoionization detector (PID), shien testing, and visual and olfactory observations to segregate impacted and non-impacted soil during grading activities in the vicinity of the UST excavation zone. To evaluate subsurface conditions outside the UST excavation zone, SECOR installed 60 test pits. Field screening and confirmation soil samples were collected from each test pit prior to excavation in these areas.

A 'No Further Action' (NFA) letter was issued by Ecology on October 23, 2001, after the recording of a restrictive covenant.

2.4 Cleanup Levels

MTCA Method A cleanup standards were used to set the cleanup levels for the Site; however, there are areas where these levels were not met. It is possible that most of the remaining contamination is off the property in public right-of-ways, which would allow the covenant to be removed, but this requires further review through Ecology's VCP if the owner chooses that option.

2.5 Restrictive Covenant

Based on the Site use, surface cover and cleanup levels, it was determined that the Site was eligible for a 'No Further Action' determination if a Restrictive Covenant was recorded for the property. A Restrictive Covenant was recorded for the Site in 2001 which imposed the following limitations:

Section 1. A portion of the Property contains petroleum hydrocarbon contaminated soil located along the north and west sides of the excavation located near the southwest corner of the Property. The Owner shall not alter, modify, or remove the existing structures in any manner that may result in the release or exposure to the environment of that contaminated soil or create a new exposure pathway without prior written approval from Ecology.

Section 2. Any activity of the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

Section 3. Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.

Section 4. The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.

Section 5. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

Section 6. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action, to inspect remedial actions conducted on the Property, and to inspect records that are related to the Remedial Action.

Section 7. The Owner of the Property reserves the right under WAC 173-340- 440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

The Restrictive Covenant is available as Appendix 6.4.

3.0 PERIODIC REVIEW

3.1 Effectiveness of completed cleanup actions

The Restrictive Covenant for the Site was recorded and is in place. This Restrictive Covenant prohibits activities that will result in the release of contaminants at the Site without Ecology's approval, and prohibits any use of the property that is inconsistent with the Covenant. This Restrictive Covenant serves to ensure the long term integrity of the remedy.

Based upon the Site visit conducted on April 28, 2010, the remedy at the Site continues to eliminate exposure to contaminated soils by ingestion and contact within the property boundary. The remedy appears in satisfactory condition and no repair, maintenance, or contingency actions have been required. The Site is still operating as a residential/commercial facility. A photo log is available as Appendix 6.5.

Soils with TPH concentrations higher than MTCA cleanup levels are still present at the Site. However, the remedy (Site structure) prevents human exposure to this contamination by ingestion and direct contact with soils. The Restrictive Covenant for the property will ensure that the contamination remaining is contained and controlled. The covenant, however, does not apply to the areas of contamination outside the property, so the full Site 'No Further Action' (NFA) letter that was issued on ??????? should be replaced with a property specific NFA letter. Thus, the remedy for the full Site cleanup will fail this Periodic Review, but is satisfactory for the property.

3.2 New scientific information for individual hazardous substances for mixtures present at the Site

There is no new scientific information for the contaminants related to the Site.

3.3 New applicable state and federal laws for hazardous substances present at the Site

The cleanup at the Site was governed by Chapter 173-340 WAC (1996 ed.). WAC 173-340-702(12) (c) [2001 ed.] provides that,

“A release cleaned up under the cleanup levels determined in (a) or (b) of this subsection shall not be subject to further cleanup action due solely to subsequent amendments to the provision in this chapter on cleanup levels, unless the department determines, on a case-by-case basis, that the previous cleanup action is no longer sufficiently protective of human health and the environment.”

Although cleanup levels changed for petroleum hydrocarbon compounds as a result of modifications to MTCA in 2001, contamination remains at the Site above the new MTCA

Method A and B cleanup levels. Even so, the cleanup action is still protective of human health and the environment. A table comparing MTCA cleanup levels from 1991 to 2001 is available below.

Analyte	1991 MTCA Method A Soil Cleanup Level (ppm)	2001 MTCA Method A Soil Cleanup Level (ppm)	1991 MTCA Method A Groundwater Cleanup level (ppb)	2001 MTCA Method A Groundwater Cleanup Level (ppb)
Cadmium	2	2	5	5
Lead	250	250	5	15
TPH	NL	NL	1000	NL
TPH-Gas	100	100/30	NL	1000/800
TPH- Diesel	200	2000	NL	500
TPH-Oil	200	2000	NL	500

NL = None listed

3.4 Current and projected Site use

The Site is currently used for residential/commercial purposes. There have been no changes in current or projected future Site or resource uses.

3.5 Availability and practicability of higher preference technologies

The remedy implemented included containment of hazardous substances, and it continues to be protective of human health and the environment. While higher preference cleanup technologies may be available, they are still not practicable at this Site.

3.6 Availability of improved analytical techniques to evaluate compliance with cleanup levels

The analytical methods used at the time of the remedial action were capable of detection below selected Site cleanup levels. The presence of improved analytical techniques would not affect decisions or recommendations made for the Site.

4.0 CONCLUSIONS

The following conclusions have been made as a result of this periodic review:

- The cleanup actions completed at the Site appear to be protective of human health and the environment for the property only, not the entire Site. There are areas of contamination remaining outside the property not under the control of the covenant, which is a required part of the remedy.
- Soils cleanup levels have not been met at the standard point of compliance for the Site; however, the cleanup action has been determined to comply with cleanup standards within the property boundaries since the long-term integrity of the containment system is ensured, and the requirements for containment technologies are being met.
- The Restrictive Covenant for the property is in place and continues to be effective in protecting public health and the environment from exposure to hazardous substances and protecting the integrity of the cleanup action on the property; however, the address recorded in the covenant is no longer correct, and should be updated.

Based on this periodic review, the Department of Ecology has determined that the requirements of the Restrictive Covenant continue to be met. No additional cleanup actions are required by the property owner. It is the property owner's responsibility to continue to inspect the Site to assure that the integrity of the remedy is maintained.

4.1 Next Review

The next review for the Site will be scheduled five years from the date of this periodic review. In the event that additional cleanup actions or institutional controls are required, the next periodic review will be scheduled five years from the completion of those activities.

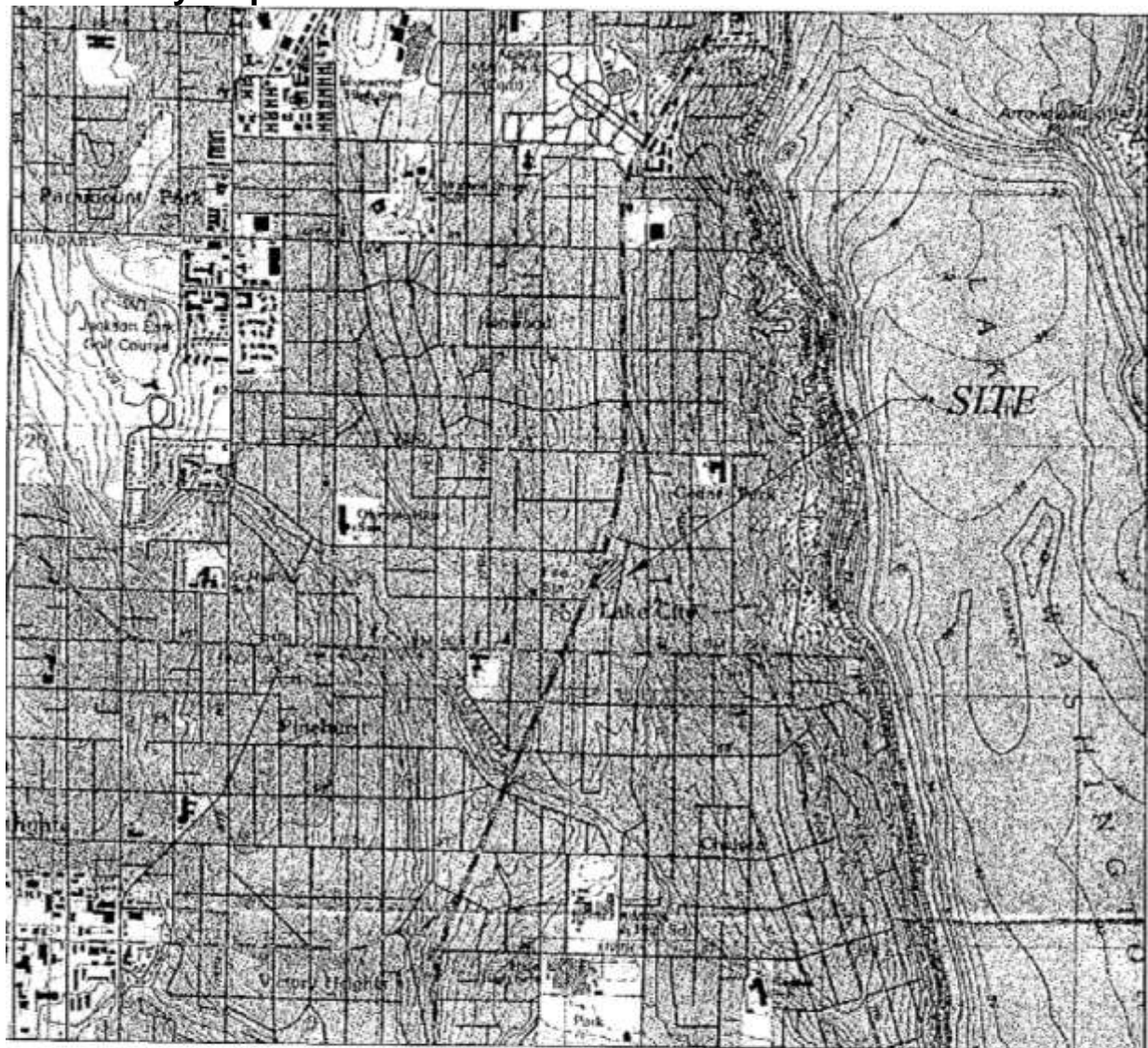
5.0 REFERENCES

2001 Restrictive Covenant.

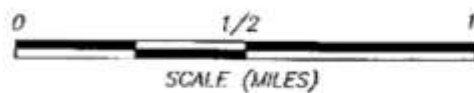
Ecology, 2010, Site Visit.

6.0 APPENDICES

6.1 Vicinity Map



WASHINGTON



REFERENCE: USGS 7.5 x 15 MINUTE QUADRANGLE; SEATTLE NORTH, WASHINGTON; 1983

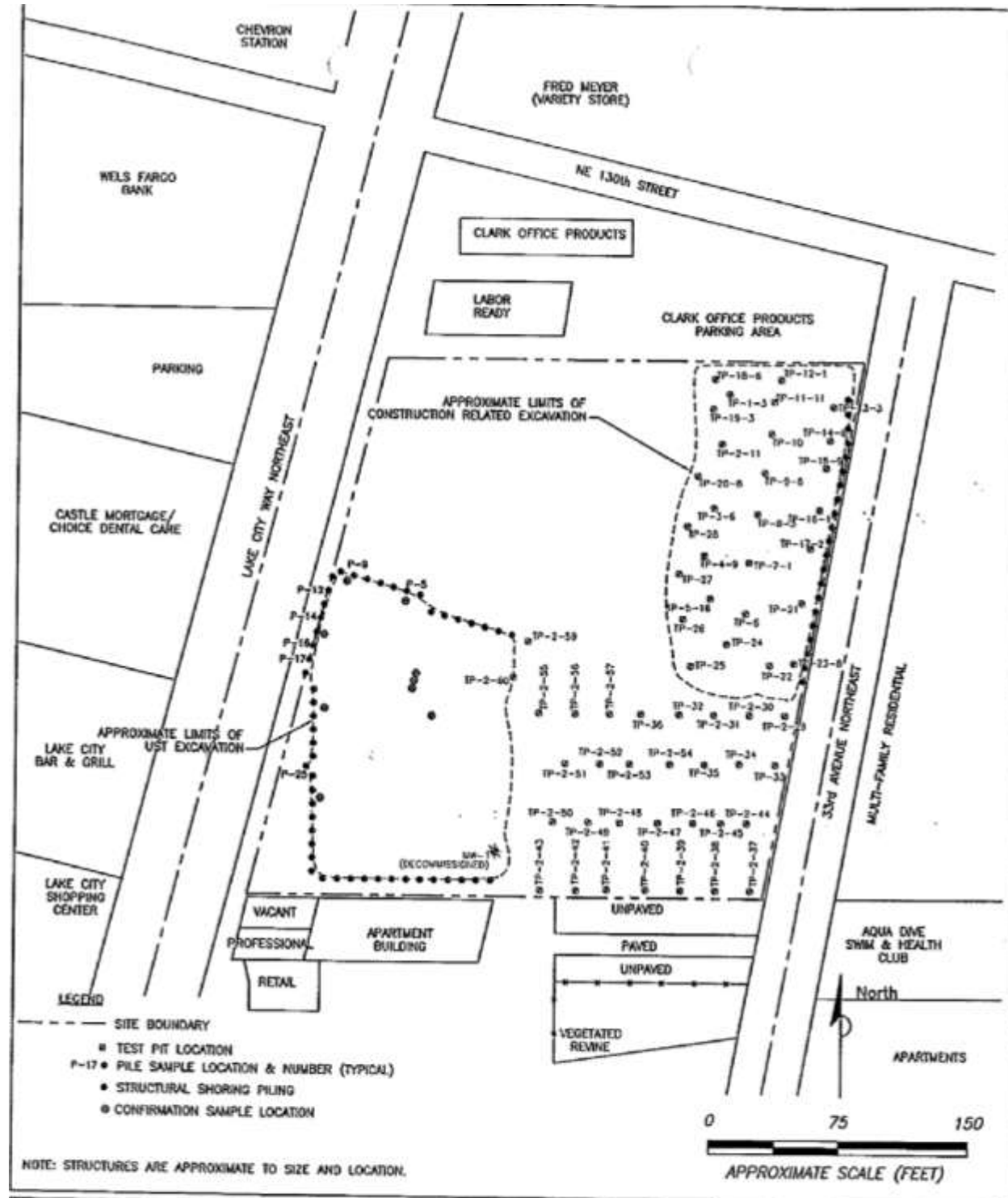
SECOR
International Incorporated
18034 134th COURT NW, SUITE 102
REDMOND, WASHINGTON 98058

SITE LOCATION MAP
FOUNTAIN PLAZA
12730 LAKE CITY WAY NORTHEAST
SEATTLE, WASHINGTON

FIGURE:

1

6.2 Site Plan



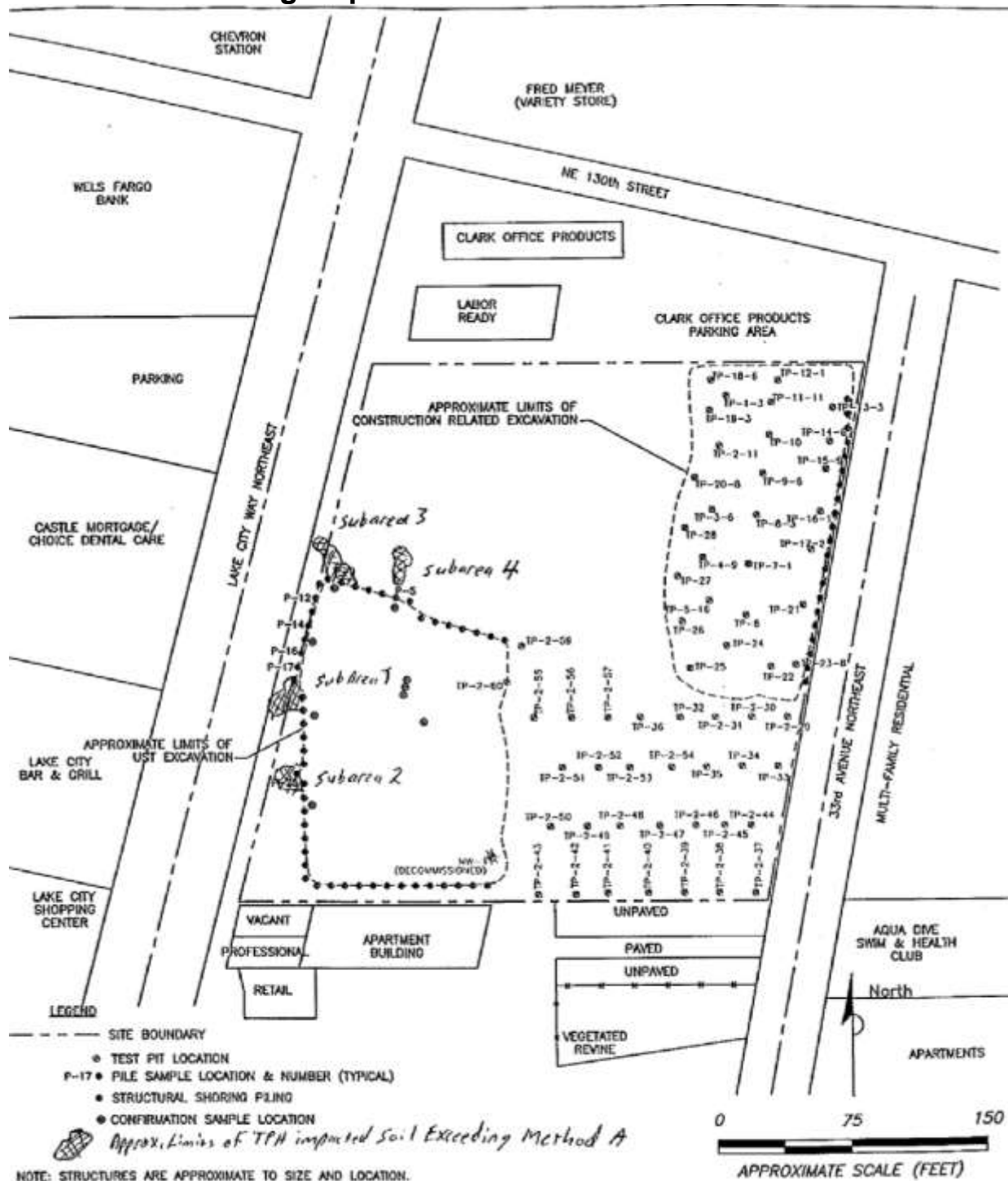
SECOR
International Incorporated
12034 134th COURT NE, SUITE 100
REDMOND, WASHINGTON 98073

**SITE PLAN
WITH STRUCTURAL SHORING PILINGS
AND TEST PITS
12730 LAKE CITY WAY NORTHEAST
SEATTLE, WASHINGTON**

FIGURE:

4

6.3 TPH-Remaining Map



SECOR
International Incorporated
12034 124th COURT NE, SUITE 102

**SITE PLAN
WITH STRUCTURAL SHORING PILINGS
AND TEST PITS
12730 LAKE CITY WAY NORTHEAST
SEATTLE, WASHINGTON**

FIGURE:

4

6.4 Environmental Covenant

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

Lake City Vista, L.L.C.
1226 16th Avenue West, Suite 100
Seattle, Washington 98119



SPACE ABOVE THIS LINE FOR RECORDER'S USE

869249

RESTRICTIVE COVENANT

5/12th

2001 101 6001782

This declaration of Restrictive Covenant is made pursuant to RCW 70.105D 030(f) and (g), and WAC 173-340-440 Lake City Vista, L.L.C., its successors and assigns, and the Washington State Department of Ecology, its successors and assigns

Legal Description

Lots 25, 26 and 27 in Block 5 of Cedar Park Addition to the City of Seattle, as per plat recorded in Volume 26 of Plats, Page 19, Records of King County,

EXCEPT the East 30 feet thereof condemned by King County for 33rd Avenue N.E. in King County Superior Court Cause No. 389014;

Situate in the City of Seattle, County of King, State of Washington

Tax Parcel I.D. #

145360-1380-05

FILED FOR RECORD AT THE REQUEST OF
TRANSACTION TITLE INSURANCE CO

RESTRICTIVE COVENANT

Lake City Vista, L.L.C./Fountain Plaza

This Declaration of Restrictive Covenant is made pursuant to RCW 70 105D 030(f) and (g), and WAC 173-340-440 by Lake City Vista, L.L.C., its successors and assigns, and the Washington State Department of Ecology, its successors and assigns (hereafter "Ecology").

An independent remedial action (hereafter "Remedial Action") occurred at the property that is the subject of this Restrictive Covenant. The Remedial Action conducted at the property is described in the following document

Underground Storage Tank
Closure and Independent Remedial Action Report
Fountain Plaza
12730 Lake City Way
Seattle, Washington
SECOR International, Inc., dated June 20, 2001

This document is on file at Ecology's Northwest Regional Office.

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of petroleum hydrocarbon which exceed the Model Toxics Control Act Method A Residential Cleanup Level for soil established under WAC 173-340-740.

The undersigned, Lake City Vista, L.L.C., is the fee owner of real property (hereafter "Property") in the County of King, State of Washington, that is subject to this Restrictive Covenant. The Property is legally described in Attachment A of this Restrictive Covenant and made a part hereof by reference.

Lake City Vista, L.L.C. makes the following declaration as to limitations, restrictions, and uses to which the Property may be put and specifies that such declarations shall constitute covenants to run with the land, as provided by law and shall be binding on all parties and all persons claiming under them, including all current and future owners of any portion of or interest in the Property (hereafter "Owner")

Section 1. A portion of the Property contains petroleum hydrocarbon contaminated soil located along the north and west sides of the excavation located near the southwest corner of the Property. The Owner shall not alter, modify, or remove the existing structures in any manner that may result in the release or exposure to the environment of that contaminated soil or create a new exposure pathway without prior written approval from Ecology.

Section 2. Any activity of the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

Section 3. Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.

Section 4. The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.

Section 5. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

Section 6. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to inspect remedial actions conducted as the Property, and to inspect records that are related to the Remedial Action.

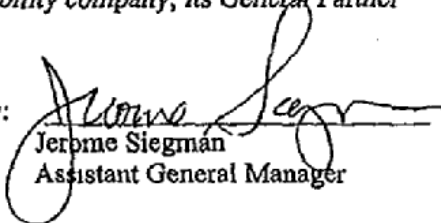
Section 7. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

LAKE CITY VISTA L.L.C., a Washington limited liability company

By: Simpson Housing Limited Partnership, its
Sole Member

By: Paloma LLC, a Colorado limited liability company, its General Partner

By:


Jerome Siegmán
Assistant General Manager

October 15, 2001

[DATE SIGNED]

ACKNOWLEDGEMENT

STATE OF COLORADO)
CITY AND) ss.
COUNTY OF DENVER)

On this 15th day of October, 2001, before me, the undersigned officer, a Notary Public in and for the aforementioned county and state, duly commissioned and sworn, personally appeared Jerome Siegman, who acknowledged himself to be the Assistant General Manager of Paloma LLC, a Colorado limited liability company, as the General Partner of Simpson Housing Limited Partnership, a Colorado limited partnership, the Sole Member of Lake City Vista, L.L.C., a Washington limited liability company, the limited liability company that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said limited liability company, for the uses and purposes therein mentioned, and on oath stated that he, as Assistant General Manager of the said Paloma LLC, as General Partner of the said Simpson Housing Limited Partnership, as Sole Member of the said Lake City Vista, L.L.C., being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of said limited liability company by himself as said Assistant General Manager

IN WITNESS WHEREOF, I hereunto set my hand and official seal



Candis A. Birch

CANDIS A. BIRCH

[Print or stamp name of Notary]

Residing at 3201 S. TAMARAC DR., DENVER, CO 80231

My commission expires. NOVEMBER 30, 2001

200: 101 6001782

ATTACHMENT A

(Legal Description)

Lots 25, 26 and 27 in Block 5 of Cedar Park Addition to the City of Seattle, as per plat recorded in Volume 26 of Plats, Page 19, Records of King County;

EXCEPT the East 30 feet thereof condemned by King County for 33rd Avenue N.E. in King County Superior Court Cause No. 389014;

Situate in the City of Seattle, County of King, State of Washington

2007 101 5001782

6.5 Photo log

Photo 1: Current development, contamination was related to the bldg at left - from the west



Photo 2: Solara apartments - from the west across Lake City Way



Photo 3: Sidewalk in front of Solara Apts. where TPH remains - from the south



Photo 4: Rear building of development, former Grout Property – from the east across 33rd

